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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,056	07/24/2006	Matthew Richard alex Nye-Hingston	P71243US0	9929
136 7590 07/24/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER				
GALL, LLOYD A				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
07/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/577,056

**Applicant(s)**

NYE-HINGSTON ET AL.

**Examiner**

Lloyd A. Gall

**Art Unit**

3673

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 and 24 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1, 3, 5-9 and 11 are objected to because of the following informalities: In claim 1, line 7, it appears that "mechanism" should read --mechanisms--. In claim 1, line 15, it appears that "said switch" should read --a switch--. In claim 3, line 1, "said switch" is unclear, since claim 1 claims plural switches. In claim 6, line 4, it is not clear whether "mechanisms" should be used, or --mechanism--. In claim 7, line 3, it is unclear whether "mechanism" should be used, or --mechanism--. In claim 11, line 2, it appears that "said switch" should read --a switch--. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson, Jr. et al (106) in view of Hosmer (899) and Butt (263). It is first noted that throughout the claims, cabinets, cupboards and drawers are not being positively claimed, rather, a locking system which is capable of being used with such. It is further noted that use of such claimed system by a child is of no patentable significance, and the prior art locking systems of the applied references are capable of use by a child. Williamson teaches a plurality of solenoid locks and latch bolt plungers to engage and lock a plurality of strikers of cabinet doors, wherein as set forth in the Abstract and column 4, line 1, a wireless remote transmitter actuator may actuate the solenoids through a partially concealed switch. The system also includes a battery.

Hosmer teaches a partially concealed reed switch 27 may be actuated by proximity of a magnet 35, wherein the lock is returned by the spring 18a to a locked condition after unlocking actuation of the lock. Butt teaches in column 5, lines 22, 40, plural locking mechanisms associated with plural doors may be selectively wired such that a master override control switch 70 may be used to unlock multiple (or all) doors at once, or each individual door may be actuated by a user by a switch 71, 72 such that only specific doors may be unlocked. It would have been obvious to modify the locking system of Williamson such that a remote (magnet) may be used to actuate a switch, in view of the teaching of Hosmer, wherein the lock returns to a locking condition after being unlocked, in view of the teaching of Hosmer, to provide expected unlocking results. It would have been obvious to modify the remote actuated locking system of Williamson as modified by Hosmer, such that a master override control switch may be used to actuate all locks, or individual doors of one's choice may be unlocked, in view of the teaching 70, 71, 72 of Butt, to allow all doors to be actuated at once if desired, as is well known in the lock art.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson, Jr. et al in view of Hosmer and Butt as applied to claim 7 above, and further in view of Hughes (574).

In column 1, lines 27-29, Hughes teaches that it is well known to utilize a switch for a predetermined period of time. It would have been obvious to actuate the switch of Williamson as modified by Hosmer to be operable for a predetermined period of time, in view of the teaching of Hughes, to optimize its security.

Applicant's arguments filed December 21, 2007 have been fully considered but they are not persuasive. Applicant's remarks are regarded as moot, in view of the new grounds of rejection. It is also noted that with respect to the remark on page 12, line 7, household cabinets are not being claimed. It is further noted that the remarks on page 13 are of no patentable significance, as child access and household cabinets are not being claimed (even though the primary reference to Williamson is concerned with cabinets), and the "complex mechanical elements" of Butt are not relied upon in the rejection. Rather, Butt is applied for teaching that it is well known in the locking art that a master override control switch may be used to unlock all doors at once, and that individual locks of doors may also be actuated, by the teachings 70, 71 and 72 of Butt. The Hosmer and Butt references are secondary teachings applied to the primary reference of Williamson et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/  
Primary Examiner, Art Unit 3673

/L. A. G./  
Primary Examiner, Art Unit 3673  
July 18, 2008

